



South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

HOUSE WEEK IN REVIEW

The House of Representatives concurred in Senate amendments to **H.3594** and ordered the bill enrolled for ratification. The legislation provides for the **EXPANSION OF THE INMATE DNA SAMPLING PROGRAM TO INCLUDE ALL FELONS** and inmates incarcerated for any other offense that carries a maximum term of imprisonment of five years or more. The legislation expands the state's inmate deoxyribonucleic acid (DNA) sampling program by requiring all inmates convicted or adjudicated delinquent of a felony or any other offense that carries a maximum term of imprisonment of five years or more to provide DNA samples for inclusion in the database maintained by the State Law Enforcement Division (SLED). The legislation provides that SLED must securely store DNA samples. The samples are confidential and must remain in the custody of SLED or a private laboratory designated by SLED if the laboratory's standards for confidentiality and security are at least as stringent as those of SLED.

The House concurred in Senate amendments to **H.4451** and ordered the bill enrolled for ratification. The legislation pertains to **CRIMINAL SOLICITATION OF MINORS AND EXPLOITATION OF MINORS**. Notably, the legislation is geared towards enhancing the detection and prosecution of the use of the Internet to exploit minors. This bill creates the offense of criminal solicitation of a minor to apply to situations where an individual at least eighteen years of age knowingly contacts or communicates with, or attempts to contact or communicate with, a person who is under the age of eighteen, or a person reasonably believed to be under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity or a violent crime or with the intent to perform a sexual activity in the presence of the person under the age of eighteen, or person reasonably believed to be under the age of eighteen. A violator is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars and/or imprisoned for not more than ten years. Equipment, including software, that is used in the commission of a violation is subject to seizure and forfeiture. The bill also authorizes such seizure and forfeiture of equipment used in the commission of third degree exploitation of a minor. To combat Internet child pornography more effectively, the bill eliminates the requirement that a child-related obscenity crime must be multi-county in nature or must transpire in more than one county for the State Grand Jury to have jurisdiction. The bill also increases penalties for numerous offenses involving minors and obscenity laws and the exploitation of minors.

The House concurred in Senate amendments to **H.3235**, legislation pertaining to the **SOUTH CAROLINA ADMINISTRATIVE LAW COURT**, and ordered the bill enrolled for ratification. This legislation changes the name of the Administrative Law Judge Division to the "South Carolina Administrative Law Court." The bill revises provisions relating to hearings and proceedings before the Administrative Law Court so as to provide that all requests for a hearing before the court must be filed in accordance with the court's rules of procedure.

The House amended, approved, and sent to the Senate **H.4734**, a bill establishing a **REVISED PROCESS FOR NOMINATING JUDICIAL CANDIDATES** for election by the General Assembly. The bill provides that the Judicial Merit Selection Commission shall consider not only the qualifications of individuals seeking judicial office, but also their fitness to serve. Under the legislation, the Judicial Merit Selection Commission would release to the General Assembly the full list of individuals found qualified and fit for judicial office. Under current law, the Judicial Merit Selection Commission submits only the list of the three individuals found most qualified to the General Assembly. The bill eliminates the current one-year waiting period for a former member of the General Assembly to be elected to a judicial office. The bill provides instead that a member of the General Assembly may not file for a judicial office while the member is serving in the General Assembly. The bill also provides that no member of a legislator's immediate family may be elected to a judicial office while that legislator is serving in the General Assembly.

The House amended, approved, and sent to the Senate **H.3130**, a bill providing **FIREARMS RESTRICTIONS FOR CRIMINAL DOMESTIC VIOLENCE OFFENDERS**. The bill provides it is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this state firearms to a person convicted of criminal domestic violence of a high and aggravated nature. The bill revises provisions for domestic violence orders of protection so as to provide if the court finds that there is an imminent danger to the petitioner by the respondent, the court may order the respondent to surrender all firearms to the county sheriff as a condition of the order of protection. The Sheriff shall store the firearms for the duration of the order of protection. The bill provides that if a person is charged with a violent crime, criminal domestic violence of a high and aggravated nature, or criminal domestic violence, the court may order the person, as a condition of bond, only when requested or with the consent of the victim, to surrender to the County Sheriff all firearms which are owned or possessed by the defendant. The sheriff shall store the firearms until final disposition of the charges. The bill provides that the magistrate's court has jurisdiction over an action seeking a restraining order against a person engaged in criminal domestic violence of a high and aggravated nature and criminal domestic violence. The court may not charge a filing fee for such a complaint and motion for a restraining order. The bill imposes the firearms restrictions on criminal domestic violence restraining orders issued by a magistrate.

The House amended, approved, and sent to the Senate **H.4819**, the **FINANCIAL LITERACY INSTRUCTION ACT** of 2004. This bill requires the State Board of Education (the Board) to develop or adopt curricula (to be included in the S.C. Academic Standards of Instruction for K-12), materials, and guidelines for local school boards to use in implementing a program of instruction on financial literacy within courses currently offered in high schools in this State. The bill delineates items which must be included in such programs, including but not limited to information regarding: opening a bank account, balancing a checkbook, spending and credit, completing a loan application, personal insurance policies, computing state and federal income taxes, understanding local tax assessments, computing interest rates, understanding simple contracts, contesting incorrect billings, savings and investing, and laws concerning finance. The bill also authorizes the Board to

establish a fund for receiving public and private contributions to defray the costs of relevant training for teachers; to provide rewards for schools, teachers, or students who win or achieve high levels of success in financial literacy competitions; to fund certain activities related to financial literacy education. Funds would be awarded as grants to local school boards to provide incentives for promoting financial literacy.

The House amended, approved, and sent to the Senate **H.4790**, a bill **EXPANDING THE STATE GRAND JURY'S JURISDICTION TO INCLUDE ENVIRONMENTAL OFFENSES**. Under the bill, 'environmental offenses' are those concerning the water, ambient air, soil or land, or both soil and land, including, but not limited to, violations of the State Safe Drinking Water Act, the Pollution Control Act, the Infectious Waste Management Act, the Hazardous Waste Management Act, the Solid Waste Policy and Management Act, the State Underground Petroleum Response Act, the Atomic Energy and Radiation Control Act, the South Carolina Mining Act, the Coastal Zone Management Act, and the Sediment and Erosion Control Act.

The House amended, approved, and sent to the Senate **H.3917**, a bill creating the **SOUTH CAROLINA TRAUMATIC BRAIN INJURY TRUST FUND**, comprised of funds appropriated (beginning with Fiscal Year 2005-2006) in the general appropriations act. The bill also creates and provides for the South Carolina Traumatic Brain Injury Trust Fund Board, which would oversee the disbursement of the Fund's revenue to organizations involved with traumatic brain injuries and to other purposes the Board deems appropriate.

The House amended, approved, and sent to the Senate **H.4262**, a bill **AUTHORIZING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) TO ESTABLISH A STATE TRAUMA CARE SYSTEM** (the System). This bill authorizes DHEC to develop standards and promulgate regulations for the creation and establishment of the System to promote access to trauma care for all South Carolina residents. Authority and responsibility including but not limited to oversight of the System would be vested in DHEC with powers which are enumerated in the bill. DHEC is also empowered to revoke or change a trauma center's designation if the center fails to meet prescribed requirements for designation at a particular level or not longer meets established standards and criteria. DHEC is also authorized to fine providers or facilities for reasons provided in the bill. Up to twenty-five thousand dollars in fines (per fiscal year) may be retained in the Trauma Fund, a special account established in the bill to receive State appropriations as well as gifts and contributions from public or private entities. Monies in the fund would be used first to cover DHEC's operating expenses, and remaining funds would be distributed as financial aid to participating providers and as grants for proposals related to trauma care. The bill requires DHEC to promulgate regulations to establish the distribution of these funds, if such funds are adequate to do so. Amounts in excess of twenty-five thousand dollars in fine collections must be deposited in the State general fund. Appeals of DHEC decisions involving trauma center applications, designations, or fines are governed by the Administrative Procedures Act. The bill provides that all of DHEC's duties included in the bill are contingent upon adequate funding to cover DHEC's operating and administrative costs. The bill establishes and provides for a Trauma Advisory

Council to be appointed by the DHEC Director and to act as an advisory body for trauma care system development and to provide technical support to DHEC. The bill also authorizes and provides for DHEC to establish a trauma data collection and evaluation system to be known as the Trauma Registry.

The House amended, approved and sent to the Senate **H.4971**. This joint resolution **CREATES THE SOUTH CAROLINA COMMISSION ON HEALTHCARE ACCESS**, to be governed by a Commission including representatives appointed by the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor, as well as ex-officio membership from the Department of Insurance and the Department of Health and Human Services. The Commission's objectives include, but are not limited to, providing direction and leadership for implementation of a plan for a Medicaid Expansion Program for working adults of small business; developing appropriate licensing and oversight regulations that will allow nonprofit community-based healthcare programs to raise funds through prepayment fees; seeking funds for educational programs to prepare South Carolinians to be more informed healthcare consumers; and investigating issues that may be barriers to accessing healthcare. The bill requires the Commission to publish on the Department of Insurance website agendas, minutes, and other related Commission information. The Commission is dissolved on June 30, 2007, or upon accomplishment of its work, whichever occurs earlier.

The House amended, approved and sent to the Senate **H.4968**, bill enacting the **SOUTH CAROLINA MOTION PICTURE INCENTIVE ACT**, intended to provide a financial incentive to the film industry so that South Carolina might compete successfully with other states for filming locations. Incentives in the bill include, but are not limited to:

- A state sales and use tax exemption to motion picture production companies that expend at least \$250,000 on the filming or production of one or more motion pictures in South Carolina within a consecutive twelve month period, under conditions specified in the bill;
- A tax rebate to motion picture production companies for the employment of persons subject to South Carolina income tax withholdings in connection with production of a motion picture; the rebate is equal to five percent of the total payroll for these persons when total production costs in South Carolina are at least one million dollars during the taxable year;
- Thirteen percent of the previously unallocated admissions tax must be allocated annually for the use of the South Carolina Film Commission. The Film Office may rebate to a motion picture production company up to seven percent of the costs of goods and services purchased by the motion picture production company in the State and subject to the state sales and use tax if the production company has a minimum in-state expenditure of one million dollars.

- One percent of the previously unallocated admissions tax must be allocated to the Film Commission to promote collaborative production efforts between institutions of higher learning in South Carolina and motion picture related entities.
- Under certain conditions, the Film Commission may negotiate below-market rates for temporary use of underutilized state property, and such negotiations and use are exempt from provisions of the South Carolina Procurement Code.
- The State or its political subdivisions may not charge a location fee for properties they own if the properties are used for seven or fewer days as the location in the production of a motion picture. A property may not be used for more than a total of twenty-one days without location fees in a calendar year. The production company may be on site no longer than seven days within a thirty-day period without a location fee charge.
- The Department of Commerce is authorized to for a foundation to solicit donations for the recruitment of motion pictures.
- Motion picture production companies, under conditions specified in the bill, are provided exemptions from accommodations tax if they lease accommodations for a minimum period of time over a twelve-month period.

The bill requires specified credit to the State on the end credit roll of a motion picture that utilizes a South Carolina tax credit or rebate, but the bill also reserves the right of the State to refuse such credit.

The bill provides a tax credit of an amount equal to twenty percent (but not more than \$100,000) of a taxpayer's cash investment in a qualified South Carolina motion picture project. The bill also provides allows a taxpayer to claim a credit equal to twenty percent of the value of the taxpayer's investment in the construction or conversion, or equipping, of a motion picture production or post-production facility. In such instances, the total amount of credit which may be claimed by all taxpayers on a single production or post-production facility may not exceed five million dollars.

The House amended, approved, and sent to the Senate **H.4740**, a bill which enacts the **SOUTH CAROLINA SAFE ROUTES TO SCHOOL ACT**. This bill requires municipal and county governing bodies to work with school districts in their jurisdiction to identify barriers and hazards to children walking or bicycling to and from school. The bill authorizes counties, municipalities, and districts to develop plans for funding improvements to reduce such barriers and hazards. The bill also authorizes school districts statewide to establish a Safe Routes to School Coordinating Committee and authorizes schools within the district to establish a Safe Routes to School Team, to help carry out the purposes of the bill. The bill also designates the first Wednesday of October of each year as "Walk or Bicycle with Your Child to School Day."

The House approved and sent to the Senate **H.4903**, a bill which authorizes and provides for **BREAST CANCER AWARENESS SPECIAL LICENSE PLATES**. Funds collected from sale of the plates would be directed to the Department of Motor Vehicles to defray the cost of creating and administering the plates, and to the South Carolina chapter of the American Cancer Society to support specified breast cancer-related programs.

The House approved and sent to the Senate **H.4070**, a bill which enacts the **AQUATIC LIFE PROTECTION ACT**. This bill provides that the Department of Health and Environmental Control (DHEC) may only impose National Pollutant Discharge Elimination System (NPDES) permit limitations for whole effluent toxicity (WET) expressed in terms of survival endpoints where, based on the mixing zone authorized in the bill, DHEC determines that a discharge has the reasonable potential to cause or contribute to an excursion of a water quality criterion in Regulation 61-68 (Water Classification and Standards), other than numeric criteria for specific pollutants, that apply to the protection of indigenous aquatic organisms.

The House amended, approved, and sent to the Senate **H.4791**, regarding **VACCINATIONS RECOMMENDED FOR STUDENTS AT PUBLIC INSTITUTIONS OF HIGHER LEARNING**. Currently, public institutions of higher learning are required to recommend vaccinations against meningococcal disease and Hepatitis B in their immunization literature. This bill provides that the vaccination information must be contained on student health forms provided to each student by an institution of higher learning and must include space for the student to indicate whether or not the student has received the vaccinations against meningococcal disease and Hepatitis B. The vaccination information about meningococcal disease and Hepatitis B must include recommendations issued by the national Centers for Disease Control and Prevention regarding the diseases. Such vaccination information is confidential and must not be a public record. The bill also provides that institutions of higher learning are not required to provide vaccinations to students for meningococcal disease or Hepatitis B.

The House amended, approved, and sent to the Senate **H.4796**, a bill relating to **THE DEPARTMENT OF MOTOR VEHICLES' ADMINISTRATION OF THE STATE'S COMMERCIAL DRIVER LICENSE PROGRAM**. This bill provides that the South Carolina Department of Motor Vehicles shall administer the State's Commercial Driver's License Program in accordance with the Federal Motor Carrier Safety Regulations. For purposes of the South Carolina Code of Laws chapter regarding driver's licenses, the bill amends the definition of "conviction" to mean an unvacated adjudication of guilt, or determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or *nolo contendere* accepted by the court, the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated. The bill also adds to the statutory definition of "serious traffic violation" a conviction when operating a commercial motor vehicle of driving a commercial motor vehicle without obtaining a commercial driver's

license; driving a commercial motor vehicle without a commercial driver's license in the driver's possession; driving a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported. Regarding administration of the skills test for a commercial license, the bill provides that the department may authorize a person, including an agency of this or another state, an employer, or a department, agency, or instrumentality of local government, to administer this test if (in addition to other existing requirements) the third party has entered into an agreement with the department which contains, among other currently required items, authorization for the department or the FMCSA or its representatives to conduct random examinations, inspections, and audits without prior notice, and to randomly test commercial driver's license applicants or holders. The bill provides that an applicant or holder who fails retesting shall lose his commercial driver's license. Regarding disqualification of a person from driving a commercial vehicle for conviction of certain traffic violations, the bill provides that offenses committed by commercial driver's license holders in a commercial or noncommercial vehicle must be considered. The bill provides that a vehicle may not be driven or towed through or over any railroad grade crossing until the driver has determined that the vehicle has sufficient under carriage clearance to negotiate the railroad grade crossing. The bill also adds a list of offenses and subsequent periods of time for which a commercial driver must be disqualified from operating a commercial motor vehicle if convicted of such offenses.

The House approved and sent to the Senate **H.4712**, regarding **TRAINING AND EXPERIENCE REQUIREMENTS FOR COUNSELORS AT THE STATE AGENCY OF VOCATIONAL REHABILITATION**. This bill establishes State training and experience requirements for counselors employed by the Department of Vocational Rehabilitation (V.R.).

The House amended, approved, and sent to the Senate **H.4261**, a bill pertaining to **OFFICERS WHO MAY BE REMOVED FOR CAUSE** by the Governor. The bill adds the South Carolina State Ports Authority and the South Carolina Public Service Authority to the list of offices of the State that may be removed by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity.

The House returned **S.949** to the Senate with amendments. This bill provides for **REVISIONS TO THE REAL ESTATE COMMISSION'S PRACTICE ACT**. The legislation: revises the disclosure form that must be used by realtors by eliminating the need for a signed acknowledgement of the relationship between the licensee and the seller and/or broker; allows a broker to operate as a designated agency; provides that agency disclosures must be acknowledged in the listing agreement; releases a licensed real estate agency from the failure to disclose that the property is stigmatized; adds sellers of unlisted real estate to potential clients who may be considered customers, and, codifies existing industry practices related to virtual office websites and South Carolina Family Privacy Act matters.

The House returned **S.769** to the Senate with amendments. This bill **AMENDS THE CURRENT EXEMPTION FROM PROPERTY TAXES OF A DWELLING HOUSE OF A**

VETERAN by providing an exemption to: the house (defined as the dwelling and the lot) owned by an "eligible owner" in fee or jointly with a spouse; the house owned by a "qualifying surviving spouse" (as defined in the bill) acquired from the deceased spouse and a house subsequently acquired by an eligible surviving spouse. The bill defines "eligible owner" as: a United States armed forces veteran who is permanently and totally disabled from a service-connected disability; a former law enforcement officer who is permanently and totally disabled from a law enforcement service disability; a former firefighter who is permanently and totally disabled as a result of a firefighting service disability. The bill defines "permanently and totally disabled" as the inability to perform substantial gainful employment by reason of a medically determinable impairment, either physical or mental, that has lasted or is expected to last for a continuous period of twelve months or more or result in death.

The House amended, approved, and sent to the Senate **H.4527**. This bill **EXTENDS TO RESERVE POLICE OFFICERS WHO MEET CERTAIN ELIGIBILITY REQUIREMENTS, THE STATE INCOME TAX DEDUCTION CURRENTLY ALLOWED FOR ELIGIBLE VOLUNTEER FIREMEN, VOLUNTEER RESERVE SQUAD MEMBERS, AND VOLUNTEER MEMBERS OF A HAZARDOUS MATERIALS RESPONSE TEAM**. The bill also adds a provision that an individual may receive only one deduction pursuant to this item.

The House amended, approved, and sent to the Senate **H.4465**. This bill provides that the amount of **THE HOMESTEAD EXEMPTION (CURRENTLY \$50,000) FOR PERSONS OVER AGE 65 AND CERTAIN DISABLED PERSONS MUST BE INDEXED TO INFLATION** in the same manner and by the same percentage that federal income tax brackets are adjusted to reflect increases in the Consumer Price Index.

The House approved and sent to the Senate **H.4847**, relating to the **INVESTMENT TAX CREDIT AGAINST STATE INCOME TAX ALLOWED FOR ECONOMIC IMPACT ZONE QUALIFIED MANUFACTURING AND PRODUCTIVE EQUIPMENT PROPERTY**. The bill provides that in the case of credit earned and unused within the initial ten year period, a taxpayer may continue to carry forward unused credits for use in any subsequent tax years under conditions delineated in the bill. The bill further provides that credits carried forward beyond the initial ten-year period may not reduce a taxpayer's state income tax liability in any subsequent tax year by more than twenty-five percent.

The House returned **S.487** to the Senate with amendments. This comprehensive bill includes numerous **ENVIRONMENTAL AND FEE PROVISIONS RELATING TO THE DRYCLEANING INDUSTRY**. The bill imposes a one percent environmental surcharge of the gross proceeds of sales of dry cleaning facilities on all owners and operators participating the Dry Cleaning Facility Restoration Fund. The bill allows the Department of Revenue (DOR) to retain funds for the costs incurred in administering, collecting, and enforcing the fund. The bill provides an opportunity for owners and operators who previously elected not to place a facility under the provisions of this article or who did not register with the DOR to do so under certain conditions.

The House amended, approved, and sent to the Senate **H.5020**, a bill **AUTHORIZING A GOVERNMENTAL UNIT TO ENTER INTO A GUARANTEED SAVINGS CONTRACT FOR WATER AND WASTE WATER (sewer)**. The State Energy Office will, upon request, review such a contract to determine the accuracy of the measure of savings and future revenues.

The House approved and sent to the Senate **H.4724**. This bill **EXEMPTS FROM STATE BUDGET AND CONTROL BOARD ACROSS-THE-BOARD REDUCTIONS, AMOUNTS APPROPRIATED IN THE GENERAL APPROPRIATIONS ACT AS SALARY SUPPLEMENTS FOR COUNTY CLERKS OF COURT, PROBATE JUDGES, SHERIFFS, REGISTRARS OF DEEDS, COUNTY AUDITORS, COUNTY TREASURERS, AND COUNTY CORONERS**. The bill also adds county coroners to the list of those county officers to whom the General Assembly shall appropriate annual salary supplements.

The House amended, approved and sent to the Senate **H.4963**. This bill **MAKES NUMEROUS REVISIONS TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS**, including but not limited to: defining "earned service" as paid employment as a judge or solicitor where the judge or solicitor makes regular contributions to the retirement system; revising provisions regarding establishing service credit (up to sixteen years) by providing the type and amount of service credit that may be established and the cost required to establish such service credit; providing options for System members to transfer to the system certain nonconcurrent credited service; providing options to which members may elect upon termination of service before retirement; providing the amount of earned service necessary for a member of the System to vest (ten years for a judge and eight years for a solicitor); providing for a vested member who began service before July 1, 2004, and who has terminated service and left contributions on deposit, to receive a monthly benefit beginning at age fifty-five and for those who begin service after July 1, 2004, beginning at age sixty-five; increasing member contributions from seven to ten percent of compensation, phased in over three years, beginning at eight percent on July 1, 2004.

The House approved and enrolled for ratification **S.764**, a bill relating to **DEFINITIONS CONCERNING CORPORATE-OWNED FLEET MOTOR VEHICLES**. This bill amends the statutory definition of "fleet" to mean fifty or more, rather than two hundred or more, marked private passenger motor vehicles or property carrying vehicles with empty weight of up to 22,000 pounds and a gross vehicle weight of up to 26,000 pounds, owned or long-term leased by a corporation or other legal entity, and registered in South Carolina.

The House approved and sent to the Senate **H.4978**. This bill provides that, **FOR PURPOSES OF TUITION ASSISTANCE AT A STATE TECHNICAL COLLEGE OR PUBLIC TWO-YEAR INSTITUTION, A HIGH SCHOOL STUDENT WHO IS DUALY ENROLLED IN AN ELIGIBLE TWO-YEAR INSTITUTION IS NOT REQUIRED TO BE DEGREE-SEEKING AND IS NOT REQUIRED TO COMPLETE A FREE APPLICATION FOR FEDERAL STUDENT AID APPLICATION**. The bill also provides that recipients of Palmetto Fellows or HOPE Scholarships are not eligible for this tuition assistance.

The House approved **S.904** and ordered the bill enrolled for ratification. This bill **INCREASES FROM FORTY MILLION DOLLARS TO SIXTY MILLION DOLLARS THE MAXIMUM AMOUNT OF CLEMSON UNIVERSITY ATHLETIC FACILITY REVENUE BONDS** which may be outstanding at any time.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources, and Environmental Affairs Committee reported favorable on **H.4981**, regarding **MEAT INSPECTION REQUIREMENTS**. This bill deletes the current provision that livestock slaughtered by a producer on the farm for the personal or family use of the owner is exempt from meat inspection requirements. The bill adds a provision that the exemption applies to the slaughter on his own premises of livestock of his own raising, and the preparation and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such livestock exclusively for use by him, members of his immediate household and his nonpaying guests and employees.

The Committee reported favorable with amendment on **H.4980**. As reported by the Committee, this bill provides that the Director of the Division of Livestock-Poultry Health may **AUTHORIZE EQUINE INTERSTATE EVENT PERMITS THAT MUST INCLUDE A CERTIFICATE OF VETERINARY INSPECTION, ANIMAL IDENTIFICATION, AND A CURRENT NEGATIVE COGGINS TEST**.

The Committee reported favorable with amendment (minority unfavorable) on **H.4921**, regarding **ALL TERRAIN VEHICLES**. As reported by the Committee, this bill, cited as Chandler's Law, prohibits a person age sixteen or under from operating an all-terrain vehicle unless the person has completed certain all-terrain vehicle safety training as provided in the bill. The bill prohibits the Department of Natural Resources (DNR) from issuing an all-terrain vehicle operator's safety certificate to a person unless the person has successfully completed the training described in the bill. The bill requires DNR to establish, through regulations, procedures for a safety program.

The bill provides registration requirements (with DNR) for all-terrain vehicles and provides that a registration is valid for three years.

The bill prohibits a person age sixteen or younger from operating or riding an all-terrain vehicle unless the person wears a safety helmet and eye protection as provided in the bill.

The bill prohibits operating an all-terrain vehicle on land without the permission of the landowner or land manager and provides that violation of this provision is a misdemeanor. The bill provides for increasing fines and/or imprisonment for first, second, and third or later offense violations of this provision, and provides that a third conviction within five years of a first offense will result in forfeit to DNR of all equipment used by the operator in connection with the offense, with the equipment to be used by DNR or sold at public auction.

The bill includes provisions addressing negligent operation of an all-terrain vehicle and provides that violation of these provisions is a misdemeanor punishable by fine or imprisonment. A person with three convictions within a five year period may not operate an all-terrain vehicle in this State until the person completes an all-terrain vehicle operational education program approved by DNR. The bill also provides that a person who violates any of the provisions of the bill is subject to a civil penalty of up to five hundred dollars for each violation.

The bill prohibits DNR from releasing registration information to any county to be used for property tax purposes.

The Committee reported favorable with amendment on **H.4756**, regarding **HUNTING SEASON FOR SMALL GAME**. As reported by the Committee, this bill provides dates of March second through September thirtieth for squirrel hunting in various Game Zones, without weapons and with dogs only.

The Committee reported favorable on **H.4733**, regarding **ASBESTOS ABATEMENT LICENSES**. For purposes of the criteria for issuance of asbestos abatement licenses, this bill revises the definition of "asbestos abatement entity" and "asbestos project." The bill also deletes certain provisions establishing licensure fees and authorizes DHEC to establish such fees in regulation sufficient to cover reasonable costs of administering the asbestos program. The bill also increases from one thousand dollars to ten thousand dollars, the maximum civil penalty (per violation) for violations of asbestos abatement provisions.

The Committee reported favorable with amendment on **H.4934**, the **SOUTH CAROLINA ISOLATED WETLANDS ACT OF 2004**. As reported by the Committee, this bill provides a finding that isolated wetlands in South Carolina are at risk of degradation. **H.4934** provides a program for limiting such degradation and, where and when appropriate, provides for long-term restoration and enhancement of isolated wetlands that have degraded or have been lost in the past. "Isolated wetlands" are defined in the bill as those areas that are inundated or saturated by water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions and that are not regulated under the federal Clean Water Act.

The bill provides that the State will implement an effective, balanced, statewide program to manage activities in and around isolated wetlands which balances isolated wetlands protection with economic growth; ensures that landowners are not denied the use of their property; avoids adverse impacts on the State's

economy; streamlines the permitting process; and designates one state agency to implement the regulatory program.

The bill requires that the classification of an isolated wetland must be based on the determination of the appropriate federal agency, and provides that isolated wetlands are considered private property.

The bill authorizes and provides procedures for the Department of Health and Environmental Control (DHEC) to issue permits for the activities in isolated wetlands regulated under the bill. The bill allows applicants for permits to perform regulated activities in isolated wetlands of up to five contiguous acres without permit or DHEC approval. However, the bill requires proof of mitigation through notification to DHEC as provided in the bill. The bill requires that DHEC determine whether to issue a permit for an activity in isolated wetlands larger than five contiguous acres based on a sequential analysis as described in the bill.

The bill delineates certain specific activities which are not prohibited by or subject to regulation under the bill.

The bill provides for issuance by DHEC of general permits for any category of activities if DHEC determines that the activities in the category cause only minimal adverse environmental effects when performed separately, and shall have only minimal cumulative adverse effect on the environment. The bill provides that no general permit may be for a period of more than five years and may be revoked or modified under conditions specified in the bill.

The bill allows an applicant or other affected person to contest the granting or denial of an application through a proceeding pursuant to the Administrative Procedures Act.

JUDICIARY

The full House Judiciary Committee met on Tuesday, April 13, and reported out several bills.

The committee gave a report of favorable with amendment on **H.4130**, the **"SOUTH CAROLINA SMALL BUSINESS REGULATORY FLEXIBILITY ACT."** The legislation establishes a procedure to avoid the adoption of regulations that are unnecessarily burdensome to small businesses. The bill establishes a Small Business Regulatory Review Committee within the South Carolina Department of Commerce. Under the legislation, before an agency submits to the General Assembly for review a regulation that may have a significant adverse impact on small businesses, the agency, if directed by the Small Business Regulatory Review Committee, shall prepare an economic impact statement that includes the following: (a) an identification and estimate of the number of small businesses subject to the proposed regulation; (b) the projected reporting, record keeping, and other administrative costs required for compliance with the proposed regulation, including

the type of professional skills necessary for preparation of the report or record; (c) a statement of the economic impact on small businesses; and (d) a description of less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, an agency proposing such a regulation must, if directed by the Small Business Regulatory Review Committee, prepare and submit a regulatory flexibility analysis in which the agency, where consistent with health, safety, and environmental and economic welfare, shall consider utilizing regulatory methods that accomplish the objectives of applicable statutes while minimizing a significant adverse impact on small businesses. In cases where the Small Business Regulatory Review Committee determines that information in addition to the agency's economic impact statement is needed, the committee may request the Office of Research and Statistics of the Budget and Control Board to prepare a final assessment report. The legislation also establishes a process under which the Small Business Regulatory Review Committee may petition an agency that has promulgated regulations opposing all or part of a regulation that has a significant adverse effect on small business. The Governor by Executive Order, or the General Assembly by joint resolution, or the Small Business Regulatory Review Committee may request an agency to review its regulations to determine if they should be amended, repealed, or redrafted. Agencies must review their regulations every five years to ensure that they minimize economic impact on small businesses in a manner consistent with the stated objectives of the legislation. A small business that is adversely impacted or aggrieved in connection with the promulgation of a regulation is entitled to judicial review of agency compliance with the requirements of this legislation.

The committee gave a report of favorable with amendment on **H.4790**, a bill **EXPANDING THE STATE GRAND JURY'S JURISDICTION TO INCLUDE ENVIRONMENTAL OFFENSES**. Under the bill, 'environmental offenses' are those concerning the water, ambient air, soil or land, or both soil and land, including, but not limited to, violations of the State Safe Drinking Water Act, the Pollution Control Act, the Infectious Waste Management Act, the Hazardous Waste Management Act, the Solid Waste Policy and Management Act, the State Underground Petroleum Response Act, the Atomic Energy and Radiation Control Act, the South Carolina Mining Act, the Coastal Zone Management Act, and the Sediment and Erosion Control Act.

The committee gave a report of favorable with amendment on **H.4261**, a bill pertaining to **OFFICERS WHO MAY BE REMOVED FOR CAUSE** by the Governor. The bill adds the South Carolina State Ports Authority and the South Carolina Public Service Authority to the list of offices of the State that may be removed by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity.

The committee gave a report of favorable with amendment on **H.4675**, a bill **REVISING PENALTIES FOR LITTERING**. The bill provides that when the sentence for a littering violation includes litter-gathering labor in addition to a fine or imprisonment, the litter-gathering portion of the sentence is mandatory and must not be suspended. However, the court, upon the request of a person convicted of such a violation, may direct that the person pay an additional monetary penalty in

lieu of the litter-gathering portion of the sentence that must be equal to the amount of five dollars an hour of litter-gathering labor. Probation shall not be granted in lieu of the litter-gathering requirement except for a person's physical or other incapacities. All funds collected in lieu of the mandatory litter-gathering labor must be remitted to the county or municipality where the violation occurred to be used for litter pick up supervision. The bill revises certain penalties for littering violations and provides that a prior littering violation is limited to a violation which occurred within a period of five years. The bill also authorizes the suspension of a driver's license for failure to comply with an official Department of Natural Resources summons for a littering violation.

The committee gave a report of favorable with amendment on **H.4470**, a bill **CREATING THE OFFENSE OF DEFRAUDING SECURED CREDITORS**. The bill provides that a person who intentionally sells or disposes of personal property that is subject to a security interest, with the intent to defraud the secured party, without the written consent of the secured party and without paying the debt secured by the security interest within ten days after sale/disposal or, in that time, depositing the amount of the debt with the Clerk of Common Pleas for the county in which the security party resides, is guilty of a misdemeanor and, upon conviction must be fined not more than five thousand dollars and/or imprisoned for not more than one year. Exceptions are provided.

The committee recommitted **H.3658** to the Constitutional Laws Subcommittee. This bill provides that **LOCAL GOVERNMENTS ARE NOT LIABLE FOR INJURIES/DAMAGES FROM HAZARDOUS RECREATIONAL ACTIVITIES ON LOCAL GOVERNMENT PROPERTY**.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Tuesday, April 13, and reported out several bills.

The committee gave a report of favorable with amendment on **H.5020**, a bill **AUTHORIZING A GOVERNMENTAL UNIT TO ENTER INTO A GUARANTEED SAVINGS CONTRACT FOR WATER AND WASTE WATER** (sewer). The State Energy Office will, upon request, review such a contract to determine the accuracy of the measure of savings and future revenues.

The committee gave a report of favorable with amendments on **H.5002**, a bill providing **REVISIONS TO CAPTIVE INSURANCE LAWS**. The bill revises captive insurance provisions so as to: enhance confidentiality requirements; provide for the licensure of non-profit companies; provide for the redomestication of foreign companies; and authorize the creation of a Special Purpose Financial Captive.

The committee gave a report of favorable with amendment on **H.4735**, a bill that provides a new definition for single-family **MODULAR HOMES**. The legislation also provides for a sales tax exemption of fifty percent of the gross proceeds of the sale

of the modular home. This exemption rate applies to both off-frame and on-frame modular homes.

The committee gave a report of favorable with amendment to **S.949**, a bill providing **REVISIONS TO THE REAL ESTATE COMMISSION'S PRACTICE ACT**. The legislation: revises the disclosure form that must be used by realtors by eliminating the need for a signed acknowledgement of the relationship between the licensee and the seller and/or broker; allows a broker to operate as a designated agency; provides that agency disclosures must be acknowledged in the listing agreement; releases a licensed real estate agency from the failure to disclose that the property is stigmatized; adds sellers of unlisted real estate to potential clients who may be considered customers, and, codifies existing industry practices related to virtual office websites and South Carolina Family Privacy Act matters.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee reported favorable with amendment on **H.4791**, regarding **VACCINATIONS RECOMMENDED FOR STUDENTS AT PUBLIC INSTITUTIONS OF HIGHER LEARNING**. Currently, public institutions of higher learning are required to recommend vaccinations against meningococcal disease and Hepatitis B in their immunization literature. As reported by the Committee, this bill provides that the vaccination information must be contained on student health forms provided to each student by an institution of higher learning and must include space for the student to indicate whether or not the student has received the vaccinations against meningococcal disease and Hepatitis B. The vaccination information about meningococcal disease and Hepatitis B must include recommendations issued by the national Centers for Disease Control and Prevention regarding the diseases. Such vaccination information is confidential and must not be a public record. The bill also provides that institutions of higher learning are not required to provide vaccinations to students for meningococcal disease or Hepatitis B.

The Committee reported favorable with amendment on **H.4639**, regarding **LAY MEMBERSHIP ON THE STATE BOARD OF MEDICAL EXAMINERS**. As reported by the Committee, this bill increases the number of lay members from one to three, thereby increasing the membership of the Board from ten to twelve. One additional lay member would be appointed by the President *Pro Tempore* of the Senate, and another would be appointed by the Speaker of the House. These two members would serve four-year terms.

The Committee reported favorable on **H.4712**, regarding **TRAINING AND EXPERIENCE REQUIREMENTS FOR COUNSELORS AT THE STATE AGENCY OF VOCATIONAL REHABILITATION**. As reported by the Committee, this bill establishes State training and experience requirements for counselors employed by the Department of Vocational Rehabilitation (V.R.).

Beginning next year, the Federal government will require V.R. counselors to have a Masters in Rehabilitative Counseling unless State law specifies otherwise. This bill establishes four options for V.R. training and experience as follows:

- (1) a Master's degree in Rehabilitation Counseling;
- (2) a Master's degree in Counseling with a graduate course in Theories and Techniques of Counseling;
- (3) a Master's degree in any discipline and at least eighteen documented hours of coursework at the Master's level or above within thirty months of the date of hire including:
 - (a) one graduate course with a primary focus on the Theories and Techniques of Counseling;
 - (b) three graduate courses, each with a primary focus on one of the following areas:
 - (i) occupational information;
 - (ii) job development and placement;
 - (iii) medical aspects of disabilities;
 - (iv) foundations of rehabilitation;
 - (v) psychological aspects of disabilities;
 - (vi) personal and vocational adjustment; and
 - (c) two graduate courses, each with a primary focus on one of the following areas:
 - (i) assessment;
 - (ii) research methodology;
 - (iii) vocational and career development;
 - (iv) community resources;
 - (v) case management;
 - (vi) delivery of rehabilitation services; or
- (4) a current Certified Rehabilitation Counselor (CRC) certificate, regardless of degree.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.38 HAZARDOUS WASTE Sen. Knotts

This bill amends the Department of Health and Environmental Control's (DHEC) enforcement authority under the South Carolina Hazardous Waste Management Act by providing that certain provisions of the federal Emergency Planning and Community Right to Know Act are incorporated by reference as the law of this State. An exception to this provision requires that an owner or operator of a facility receiving certain hazardous chemicals shall report receipt of these chemicals as provided in the bill.

S.1121 HUNTING DEER Sen. Fish, Game, and Forestry Committee

Current law prohibits hunting deer within three hundred yards of a residence without permission of the owner and occupant, with an exception provided for a landowner hunting on his own land or a person taking deer pursuant to a permit. This bill limits this offense to hunting deer *with a firearm*, and excludes from this prohibition both a landowner *and his guest* hunting on his own land or a person taking deer pursuant to a permit.

H.5104 PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEM Rep. Sandifer

The South Carolina Code of Laws defines a "passive soil-based on-site disposal system" as a nongravel, gravity-based, nonmechanical, soil absorption trench used to collect, treat, and discharge, or reclaim wastewater or sewage from a single family dwelling unit, without the use of community-wide sewers or a centralized treatment facility. This bill amends requirements for storage capacity of these systems.

H.5108 COASTAL SOUTH CAROLINA BEACH PRESERVATION AND MAINTENANCE ACT Rep. Ceips

Effective January 1, 2005, this bill provides requirements for placement and disposition of all beach quality sand originating from the dredging of navigation channels within tidal inlets, as well as the entrances to harbors and rivers.

H.5111 SOUTH CAROLINA DAIRY STABILIZATION ACT Rep. Witherspoon

This bill enacts the South Carolina Dairy Stabilization Act. The bill establishes and provides for the South Carolina Milk Board, whose primary duties are to establish a fair market breakeven price for milk producers, to exercise general supervision over the state milk industry, and to arbitrate differences between fluid milk producers, associations, and processors.

H.5115 HUNTING MIGRATORY WATERFOWL Rep. Dantzler

This bill makes it unlawful to hunt migratory waterfowl in certain coves of Lake Marion and provides penalties for violation of these prohibitions.

H.5123 DOGS Rep. Koon

This bill authorizes county animal control officers to enter state-owned or managed property and private property at the request of the landowner or leaseholder to investigate dogs running at large on the property. If the dogs are determined to be feral and threatening, the officers are authorized under the bill to remove the dogs from the property or to humanely dispose of them as provided in the bill. The bill deletes a current provision regarding dogs running at large on game management areas and deletes a provision regarding registration of dogs by the Department of

Natural Resources. The bill adds a provision that certain sporting dogs are not considered at large and are not required to be restrained on a leash. The bill increases from one thousand dollars to ten thousand dollars, the maximum fine for killing or stealing an identifiable dog. The bill repeals current sections regarding training for and liability of conservation officers who remove feral dogs; the definition of "hunters" and "hunting" in state game laws providing punishment; and a section regarding leash requirement for hunting dogs. The bill also provides that owners or handlers of hunting dogs must be allowed reasonable notice and an opportunity to retrieve hunting dogs which have entered onto lands of another without civil or criminal liability.

H.5128 HUNTING AND FISHING LICENSES Rep. Chellis

This bill amends the valid dates for annual resident and nonresident hunting and fishing licenses and imposes and provides for use of a surcharge on all fees for hunting and fishing licenses and permits.

H.5140 "WATERS OF THE STATE" Rep. Hagood

This bill adds "wetlands" to the definition of "waters of the state" for purposes of the Pollution Control Act.

EDUCATION AND PUBLIC WORKS

H.5101 DEFINITION FOR "LOW-SPEED VEHICLES" Rep. Townsend

This bill provides a definition for "low-speed vehicles" and provides for regulation of operation of these vehicles.

H.5120 TEACHERS' BILL OF RIGHTS Rep. E.H. Pitts

This comprehensive bill enacts the "Teachers' Bill of Rights," providing for the rights of teachers: to appropriately discipline or remove from the classroom certain problem students and to involve parents in disciplinary decisions, and the right of the teacher to indemnification by the employing school board for actions taken in the performance of such duties; to teach in a safe environment free from excessive disciplinary paperwork and fear of frivolous lawsuits; and to be treated with respect.

The bill authorizes and provides conditions and procedures for teachers to take disciplinary action to correct students in certain instances, and authorizes and provides conditions and procedures for principals to suspend or expel certain students from school or suspend students from riding the bus.

The bill provides that if any teacher, principal, or administrator in the public school system is sued for damages based on the teacher, principal or administrator's direction or discipline of a student, the school district shall provide the defendant a legal defense and shall indemnify the defendant against any judgment, provided the defendant is not judged by the court to be guilty of malicious and willful bodily harm to the student.

The bill authorizes and provides for searching a student or other person in a school building, or the effects of such a person, under certain conditions and provides for legal defense and for indemnification if school personnel (including resource officers) are sued for damages as a result of such searches, provided appropriate procedures are followed by these personnel.

The bill requires and provides for school districts to establish a discipline policy review committee to oversee and to periodically review discipline policies and to recommend appropriate revisions to the school district.

The bill prohibits a person from entering school facilities or grounds as a visitor during school hours without authority of the appropriate school official and provides that a violator of this provision must be fined up to two hundred dollars or imprisoned for up to thirty days, or both.

The bill requires that by August 2009, school districts must adopt student codes of conduct which must include disciplinary action to be taken against violators of the code. The bill requires that this code must include a policy prohibiting harassment, bullying, or hazing of a student by another student. The bill provides that these codes must also include requirements that students addressing public school employees use terms indicative of courtesy and respect for authority (i.e., sir, ma'am, thank you, and please).

The bill requires and provides for public school principals to prepare and submit to the district office for approval, a school crisis management and response plan to address school safety at school, on school buses, and at school-related activities.

H.5125 PALMETTO FELLOWS SCHOLARSHIP REQUIREMENTS Rep. Neilson

This bill requires that in order to receive a Palmetto Fellows Scholarship, a student must earn a GPA of 3.5 on a 4.0 scale by the end of his junior year, rank in the top six percent of either the junior or sophomore class, and obtain at least 1200 on the SAT or 27 on the ACT. The bill further provides that if a student declines this scholarship to attend an out-of-state institution, the student may transfer to an in-state institution and receive the scholarship if he continues to meet the eligibility requirements. The bill also allows a student to receive a fifth year of the scholarship if he is enrolled in an approved five-year bachelors degree program or a five-year program where the first degree awarded is a master's degree.

**H.5126 LIFE SCHOLARSHIP ELIGIBILITY FOR
FIFTH YEAR Rep. Neilson**

This bill allows a student to receive a fifth year of the LIFE Scholarship if he is enrolled in an approved five-year bachelors degree program or a five-year program where the first degree awarded is a master's degree.

S.821 BREAST CANCER AWARENESS LICENSE PLATES Sen. Short

This bill authorizes and provides for a special commemorative "Breast Cancer Awareness" motor vehicle license plate, and provides for use of subsequent revenue from sale of the special plate.

S.1103 DUCKS UNLIMITED SPECIAL LICENSE PLATES Sen. Peeler

This bill provides that the special "Ducks Unlimited" license plates may be issued to any owner of certain private passenger carrying motor vehicles, rather than only to members of Ducks Unlimited. The bill sets the fee for these plates at \$50 and provides for distribution of these funds.

JUDICIARY

S.774 DAMAGES PAYABLE IN WRONGFUL DEATH CASES Sen. McConnell

This bill revises provisions regarding to whom damages are payable in wrongful death cases, so as to provide that a parent's share of the proceeds may be denied or limited when the parent did not pay child support or did not otherwise provide for the needs of the decedent during his or her minority.

S.900 USE OF FEDERAL POST CARD APPLICATIONS BY OVERSEAS AND MILITARY CITIZENS FOR ABSENTEE VOTING Sen. Martin

This bill provides that, pursuant to the Help America Vote Act, Federal Post Card Applications may be used by overseas and military United States citizens for the next two regularly scheduled general elections occurring from the date of submission of the application.

S.907 PETITIONER FOR A NAME CHANGE MUST SIGN AN AFFIDAVIT STATING HE HAS NEVER BEEN CONVICTED OF A CRIME UNDER A DIFFERENT NAME Sen. Hayes

This bill provides that a petitioner requesting a name change must sign an affidavit stating he has never been convicted of a crime under a different name other than the name in which he is making the request. The bill provides a penalty for a violation.

S.985 LOCAL LAW ENFORCEMENT MUST BE NOTIFIED OF THE RELEASE OF A SEX OFFENDER LISTED ON THE REGISTRY Sen. Alexander

This bill provides that local law enforcement also must be notified of the release of a person listed on the Sex Offender Registry.

S.1070 SOUTH CAROLINA STATE GUARD WEEK Sen. Grooms

This bill designates the first week in June of each year as South Carolina State Guard Week.

H.5094 AIRLINE COMPANIES AUTHORIZED TO PURCHASE BEER, WINE, AND ALCOHOLIC LIQUOR DIRECTLY FROM A LICENSED WHOLESALER Rep. Edge

This bill authorizes an airline company to purchase beer, wine, and alcoholic liquor directly from a licensed wholesaler. The bill provides that the wholesaler may sell and deliver the beer, wine, and alcoholic liquor to an airline company. The bill provides a penalty if a person uses beer, wine, or alcoholic liquor purchased pursuant to this legislation for another purpose other than the sale or use by the airline company.

**S.906 *SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES
AUTHORIZED TO USE EMINENT DOMAIN* Sen. Matthews**

This bill provides that the South Carolina State University, Board of Trustees is authorized to use eminent domain to acquire land.

S.1071 *IDENTITY FRAUD IN OBTAINING EMPLOYMENT* Sen. Ritchie

This bill provides that it is unlawful to use the identity of another person for the purpose of obtaining employment.

H.5109 *LICENSURE AND REGULATION OF BINGO* Rep. Scott

This bill revises provisions for the licensure and regulation of bingo game operations.

H.5116 *JURISDICTION OF THE ADMINISTRATIVE LAW JUDGE DIVISION*

Rep. Harrison

This bill revises provisions relating to the jurisdiction of the Administrative Law Judge Division.

H.5117 *BIDDING AT MORTGAGE FORECLOSURE AND EXECUTION SALES*

Rep. W. D. Smith

This bill pertains to the closing of bidding at mortgage foreclosure and execution sales.

**H.5124 *PROHIBITION ON ELECTION OF LEGISLATORS' IMMEDIATE
FAMILY MEMBERS TO JUDICIAL OFFICES* Rep. Hinson**

This bill provides that no member of a legislator's immediate family may be elected to a judicial office while that legislator is serving in the General Assembly.

H.5127 *PROOF OF CITIZENSHIP REQUIRED FOR VOTER REGISTRATION*

Rep. Haskins

This bill requires documentation showing proof of citizenship in order for an applicant to be registered to vote.

**H.5132 *PRETRIAL DIVERSION PROGRAM FOR HIGH SCHOOL STUDENTS
WHO RECEIVE TRAFFIC TICKETS* Rep. Hagood**

This bill revises provisions relating to the establishment of pretrial intervention programs by circuit solicitors, so as to provide that the circuit solicitor has discretion to authorize the establishment by municipalities and counties within the circuit of a pretrial diversion program for high school students who receive traffic tickets. The bill exempts the students from eligibility limitations for pretrial intervention programs. The bill provides that a student may not be considered for the pretrial diversion program if he has previously been accepted into the program and had a traffic ticket dismissed.

S.965 *DEPARTMENT OF JUVENILE JUSTICE* Sen. Fair

This bill revises various provisions governing operations of the Department of Juvenile Justice.

S.970 ADOPTION OF REVISED CODE VOLUMES Sen. McConnell

This joint resolution provides for the adoption of revised Code Volumes 2 and 20 of the Code Of Laws Of South Carolina, 1976, to the extent of their contents, as the only general permanent statutory law of the State as of January 1, 2004.

S.997 PENALTY FOR LOITERING OR DISTURBANCES ON THE GROUNDS OF A SCHOOL OR COLLEGE Sen. Moore

This bill changes the misdemeanor penalty for being found guilty of interfering with or disturbing students or teachers, loitering, or acting obnoxious on the grounds of any school or college in this State or being on the premises without permission except on business.

S.1041 SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE Sen. Martin

This bill revises a provision relating to special elections to fill vacancies in office.

S.1058 APPOINTMENT OF A GUARDIAN AD LITEM IN THE APPLICATION FOR A CHANGE OF A MINOR CHILD'S NAME Sen. Martin

This bill revises provisions relating to the application for a change of a minor child's name, so as to provide that a family court judge may appoint a guardian ad litem and to provide an exception.

H.5143 ASSAULT AND BATTERY OF A VULNERABLE ADULT Rep. Parks

This bill creates the offense of assault and battery of a vulnerable adult and establishes a penalty.

LABOR, COMMERCE AND INDUSTRY

S.99 PUBLIC SERVICE AUTHORITY BOARD OF DIRECTORS Sen. Mescher

This bill provides that members of the Board of Directors of the Public Service Authority appointed from Horry, Berkeley, and Georgetown Counties must be customers of the authority and reside in authority territory.

S.668 SECURITY FOR LOCAL GOVERNMENT DEPOSITS IN FINANCIAL INSTITUTIONS Sen. Ritchie

This bill provides that a bank or savings and loan association, upon the deposit of funds by a local government entity, must secure these deposits by deposit insurance, surety bonds, collateral securities, or letters of credit to protect the local entity against loss in the event of insolvency or liquidation of the institution or for any other cause.

S.687 LICENSURE AND REGULATION OF ACCOUNTANTS Sen. J. V. Smith

This bill revises provisions relating to the licensure and regulation of accountants, so as to conform the chapter to the statutory organizational framework established for boards under the administration of the Department of Labor, Licensing and Regulation and to further provide for the licensure and regulation of accountants.

**H.5088 DISPLAY OF CLASS "B" FIREWORKS RETURNED TO A
WHOLESALE Rep. Anthony**

This bill provides that a display of Class "B" fireworks returned to a wholesaler must be returned in the same manner they were sold, issued, or shipped, including any protective device attached to the fuse or fuses.

**H.5100 UNFAIR TRADE PRACTICE FOR A MOTOR VEHICLE REPAIR
BUSINESS TO ADMINISTER INSURANCE CLAIMS FOR MOTOR
VEHICLE REPAIRS Rep. Cato**

This bill provides that it is an unfair trade practice for a motor vehicle repair business to administer insurance claims for motor vehicle repairs.

H.5102 REGULATION OF MORTGAGE BROKERS Rep. Cato

This bill revises provisions relating to the registration and regulation of mortgage loan brokers, so as to change the term from "mortgage loan broker" to "mortgage broker." The bill defines "processor." The bill further specifies the scope of responsibility of "originators", and among other things to provide for licensure and renewal fees for originators. The bill requires registration of exempt persons or organizations. The bill provides penalties for certain violations. The bill permits a borrower to recover certain monetary damages if a mortgage broker or originator violates specified provisions.

**H.5103 SOUTH CAROLINA WORKERS' COMPENSATION DIVISION
Rep. Cato**

This bill transfers the powers, duties, and responsibilities of the Workers' Compensation Commission to the newly designated and authorized Workers' Compensation Division. The legislation provides for the sharing of authority between the Workers' Compensation Division and the Administrative Law Judge Division on specified matters.

**H.5119 WORKER IS INELIGIBLE FOR EMPLOYMENT SECURITY BENEFITS IF
HE REFUSES/ TESTS POSITIVE ON A DRUG TEST Rep. Cato**

This bill revises provisions relating to disqualification for benefits of an insured worker under the Employment Security Law, so as to provide that the worker is ineligible for benefits if he refuses to take a drug test or tests positive during a drug test for certain substances.

**H.5121 UTILITY COMPANY MAY NOT SUPERSEDE OR VIOLATE
MUNICIPAL ZONING LAWS Rep. Merrill**

This bill provides that a utility company including electric cooperatives and the Public Service Authority operating in the City of Charleston on Daniel Island in Berkeley County may not supersede or violate municipal zoning laws.

**H.5122 UTILITY COMPANY MAY NOT SUPERSEDE OR VIOLATE
MUNICIPAL OR COUNTY ZONING LAWS Rep. Merrill**

This bill provides that a utility company operating in this State including electric cooperatives and the Public Service Authority may not supersede or violate municipal or county zoning laws.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.1120 RURAL HOSPITALS Sen. Moore

This bill amends provisions regarding recognition and designation of federally qualified health centers and rural health clinics by adding rural hospitals to this article and providing criteria for designation of a rural hospital for these purposes.

H.5093 PHYSICAL FITNESS SERVICES ACT Rep. Edge

This bill amends the Physical Fitness Services Act so as to exempt certain gymnastic schools and country clubs from provisions of the Act.

H.5141 HOSPITALS AND HEALTH SERVICES Rep. McLeod

This bill revises definitions, licensure provisions, inspection procedures, and sanctions and penalties under the chapter of law concerning hospitals, tuberculosis camps, and health service districts.

WAYS AND MEANS

S.1085 COMMISSION ON INDIGENT DEFENSE

***FUND TRANSFER* Sen. Thomas**

This joint resolution authorizes the Commission on Indigent Defense to transfer certain unspent funds to the Office of Appellate Defense.

S.837 SANTEE COOPER PROPERTY SALE PROCEEDS Sen. Rankin

This joint resolution provides that, except as provided under certain current law, proceeds from the sale of any surplus property identified by the Board of the South Carolina Public Service Authority or funds derived from any other source, must be retained by Santee Cooper and used for its purposes and not transferred to the State of South Carolina to help alleviate state budget shortfalls. The resolution further provides that any such sales proceeds that have been used in violation of this provision must be returned and used in the manner required by this resolution.

S.973 TRUST FUND FOR TAX RELIEF Sen. Waldrep

This bill provides that operating millage levied in a county for alternative schools, career and technology centers, and county boards of education is considered school operating millage to which the homestead exemption for certain school operations applies, and the bill directs county treasurers to consider these operating millages when determining revenue lost when making disbursements to school districts from tax relief trust funds.

H.5107 HEDGE CONTRACTS/GOVERNMENT ENTITIES Rep. Wilkins

This bill authorizes and provides for governmental entities, under specified conditions, to enter into, terminate, amend, or otherwise modify a hedge contract. A "hedge contract" is defined in the bill as an agreement between a governmental entity and one or more qualified "hedge providers" (certain banks, insurance companies, or financial institutions as defined in the bill), that is an interest rate

swap agreement, whether the governmental entity exchanges payments based on fixed rates for floating payments or payments based on floating rates for fixed payments, or a combination of them, basis swap, forward rate agreement, interest rate option, interest rate cap, floor, lock, or collar agreement, rate of return guarantee or assurance, any other agreement providing for payments based on levels of or changes in interest rates or other indices or rates or to exchange cash flows or a series of payments, or any other similar agreement, or that otherwise represents an agreement to place an obligation or investment of the governmental entity, including a future delivery of obligations or investments, in whole or in part, on the interest rate, currency, cash-flow, or other basis desired by the governmental entity, including any option, put, or call with respect to any of the foregoing;

(b) any combination of agreements described in subitem (a); or

(c) a master agreement for an agreement or a combination of agreements described in subitem (a) or (b), together with all schedules, confirmations, and other supplements to them.

H.5110 INDUSTRIAL OR BUSINESS PARKS Rep. Miller

This bill requires a host county that has entered into an agreement to develop jointly a multi-county industrial or a business park to file a copy of the agreement, including certain information, with the Department of Revenue (DOR), and provides that DOR may specify the terms and conditions of the filing. The bill also requires such agreements and amendments to such agreements, to address distribution of certain remaining revenue between counties, and limits the parks to include only property owned or leased to businesses with certain primary functions. The bill also deletes certain provisions which distinguish the manner of the distribution of fee in lieu of property tax depending on whether the project is in or outside of an industrial development park.

H.5113 MOBILE OR MANUFACTURED HOMES Rep. Kirsh

This bill requires and provides for tax collectors to give notice to mortgagees when manufactured or mobile homes are levied upon for taxes, and requires tax collectors to keep records of such notice as provided in the bill. The bill requires that in order to be entitled to such notice, mortgagees must file with the tax collector a list of each mortgage as to which the notice is desired.

The bill also requires and provides for the tax collector to give notice of tax levy to any lienholders and the bill provides requirements for lienholders to provide collateral lists to the tax collector.

**H.5118 INCOME TAX CREDITS FOR HISTORIC STRUCTURE
REHABILITATION EXPENDITURES Rep. W.D. Smith**

This is a "skeleton" bill regarding income tax credits for making qualified rehabilitation expenditures for a certified historic structure.

H.5129 SUNSET REVIEW Rep. Rice

This bill establishes and provides for the South Carolina Sunset Commission (the Commission) and a Sunset Review Division (the Division) of the Legislative Audit Council. The Division is established to conduct sunset reviews of certain state agency programs and to report on their determination as to whether the programs

have outlived their usefulness or must be changed. Starting with the beginning of 2005 and continuing thereafter, the bill requires and provides for the Commission, after receiving testimony from the public and from personnel of agencies and programs under review, to identify five state agencies and specified programs to be reviewed that year. Public institutions of higher learning and judicial and legislative agencies are excluded from review.

The bill provides that the existence of any state agency or program may be reauthorized by the General Assembly for periods not to exceed twelve years. Newly created agencies shall exist for up to twelve years, or a lesser period of time if so designated by the General Assembly at the time of the agency's creation. The bill also provides for termination of an agency when legislation to reauthorize its existence is not enacted.

S.1043 *DISSOLUTION OF MILITARY FACILITIES REDEVELOPMENT*
***AUTHORITY* Sen. McConnell**

This bill provides for issues pursuant to dissolution of a military facilities redevelopment authority. Redevelopment authorities are created by the Governor to oversee the disposition of real and personal federal property that has been or will be

turned over to the State or to the redevelopment authority as referred to in the Defense Base Closure and Realignment Act, by the federal government or real and personal federal property that has been designated as surplus property by the federal government and is to be disposed of by the State or the redevelopment authority as a result of the closure, realignment, or drastic downsizing of federal defense facilities in the State.

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